

"Consideration" of Legislation as used in Joint Rule 4-4-104

Introduction: In its August meeting, the Joint Rules Committee questioned what the word "consider" means in proposed Joint Rule 4-4-104. They asked staff to research the question and provide an explanation.

Authority: The proposed Joint Rule states:

JR 4-4-104. Floor Action (New)

According to the procedures and requirements of Senate Rules and House Rules, each house shall consider legislation that is referred to it by a committee or that is otherwise in its possession.

Because the term "consider" is not defined anywhere in Joint Rules, staff used Mason's Manual of Legislative Procedure, which has been adopted by the Utah Legislature as a supplementary source for information about legislative process, for guidance.

Mason's Manual of Legislative Procedure, 2000 edition states:

Sec. 261. Consideration of Calendar or File

1. After an item on the calendar or an order of the day has been announced and is pending, it is debatable and may be amended or have any other subsidiary motion applied to it, the same as any other main question or proposal of that class.
2. [Involves tabling.]
3. [Involves suspension of the rules.]

Conclusion: Based upon Mason's Manual's provision, it appears that the term "consider" is construed broadly. Rather than being restricted to "consideration of the legislation on its merit," Mason's seems to interpret "consider" to mean "before the body for action." Under this broader construction, a motion to send the bill to the Rules Committee, to send it to standing committee, to table it, or even to strike the enacting clause would be in order.